

Situational Ignorance: The UN and Security Sector Development in Timor-Leste

**A Monograph
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Abstract

SITUATIONAL IGNORANCE: THE UN AND SECURITY SECTOR DEVELOPMENT IN TIMOR-LESTE by Major Paul B. Foura, Australian Army, 46 pages.

The United Nations (UN) intervention in Timor-Leste in 1999-2005 has been critically acclaimed as a “model” peacekeeping operation. By temporarily assuming sovereign powers on behalf of Timor-Leste, the UN Transitional Authority in East Timor (UNTAET) was arguably the UN’s most significant foray beyond traditional peacekeeping into the more comprehensive arena of state-building. Development of a competent and non-partisan security sector was one of UNTAET’s greatest challenges in making Timor-Leste a viable, independent state. UNTAET’s ambitious mandate ended with Timor-Leste becoming an independent sovereign nation in May 2002, with successor missions taking an advisory role in support of the new Timorese government. The spectacular failure of Timor-Leste’s security sector in April-May 2006 suggests that UN efforts to prepare the Timorese police and military were inadequate.

This monograph examines relevant books, articles and UN reports, and concludes that the UN was deficient in preparing Timor-Leste’s security sector for the departure of UN peacekeeping troops, police and civilian advisors. In particular, it contends that the UN was passive in defense force creation and development; that it failed to adequately develop Timor-Leste’s police service as an institution; and that it failed to ensure adequate civilian control mechanisms over the police and military. The underlying theme shared by each of these three shortcomings is that the UN failed to understand the Timorese narrative, and through this lack of understanding by act or omission pursued policies that provided Timor-Leste with a dysfunctional security sector.

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List of Acronyms

BPU – Border Patrol Unit

CNRT – National Council of Timorese Resistance

FALINTIL – Armed Forces for the National Liberation of East Timor

F-FDTL – FALINTIL – Timor-Leste Defence Force

FRETILIN - Revolutionary Front for an Independent East Timor

G-RDTL – Government of the Democratic Republic of Timor-Leste

INTERFET – International Force for East Timor

PNTL – National Police of Timor-Leste

POLRI – Indonesian National Police

TNI – Indonesian National Armed Forces

UDT – Timorese Democratic Union

UIR – Rapid Intervention Unit (PNTL)

URP – Police Reserve Unit

UN – United Nations

UNTAET – United Nations Transitional Authority in East Timor

UNMISSET – United Nations Mission of Support in East Timor

UNOTIL – United Nations Office in Timor-Leste

Introduction

The small nation of East Timor, known as Timor-Leste¹ since 2002, has been the object of considerable attention since its violent separation from Indonesia brought its troubles to the attention of the world in 1999. The United Nations (UN) sponsored a referendum that enabled this separation to occur, as well as provided a mandate for the international force that subsequently intervened to stop the violence and provide immediate humanitarian assistance. Emboldened by regional success in Cambodia and recent achievements in Kosovo, the UN then embarked on arguably its most ambitious state-building² exercise to date: the establishment of a transitional authority in Timor-Leste that would not only perform peacekeeping and interim administrative functions, but would assert sovereignty on behalf of the Timorese until they were in a position to govern themselves.³ Following mandate approval by the Security Council on 25 October 1999, the UN Transitional Authority in East Timor (UNTAET) became the official government of Timor-Leste, empowered to exercise all legislative and executive authority. This wide-ranging mandate directed UNTAET to establish an effective administration, to assist in the development of civil and social services, and to support capacity-building for self-government.⁴

¹ On 20 May 2002, East Timor officially gained independence following the transfer of power from the United Nations Transitional Authority. One of the first acts of the new government was to establish the official name of the nation as “Timor-Leste,” the Portuguese translation of “East Timor.” “Timor-Leste” will be used exclusively in this monograph in lieu of ‘East Timor’ unless specifically required to maintain source or historical context.

² State-building, as defined by Chesterman is: “international involvement (primarily although not exclusively through the UN), that goes beyond traditional peace-keeping and peace-building mandates, and is directed at developing the institutions of government by assuming some or all of those sovereign powers on a temporary basis. Simon Chesterman, “East Timor in Transition,” in *International Peacekeeping* Vol 9, No 1, (2002), 47.

³ Jarat Chopra, “Building State Failure in East Timor.” *Development and Change* 33, no. 5 (2002): 981.

⁴ United Nations, *UN Security Council Resolution 1272*, UN S/RES/1272, 25 October 1999.

UNTAET, and its successor mission UNMISSET (UN Mission of Support in East Timor), were both widely regarded as very successful and models for future peacekeeping operations.⁵ However, less than a year after the departure of UN peacekeeping forces in 2005, violence returned to Timor-Leste. Armed conflict between police and soldiers, the arbitrary arming of civilians by government officials, and large-scale desertions from both the army and police forces punctuated this crisis. The politicizing of the police and army, and a distinct lack of civilian control over both organizations so soon after the departure of the UN peacekeeping force, implies that little attention had been placed on institutional development of the Timorese⁶ security sector. What went wrong?

While much has been written about aspects of the recent failure in Timor-Leste's security sector, only fleeting analysis has been done on how the UN failed to posture this new nation for success. This monograph will examine the UN failure to prepare Timor-Leste's security sector for the withdrawal of peacekeeping forces and civilian advisors in 2005, as evidenced by the 2006 crisis. A brief summary of Timor-Leste's recent history will be used to provide the context for the UN operations. An analysis of relevant literature will follow, including discussion of the official UN accounts published during and after the missions. The monograph will then address three major areas in which the UN was negligent in developing the security sector in Timor-Leste: taking a passive role in defense force creation and development, neglecting institutional development in the police force, and failing to ensure adequate civilian control of both

⁵ James Mayall, "Introduction," in *United Nations Interventionism, 1991-2004*, Mats Berdal and Spyros Economides eds. (Cambridge: Cambridge University Press, 2007), 14.

⁶ In this monograph, "Timorese," either as a noun or adjective, is used in reference to the people or culture of Timor-Leste. Inhabitants of West Timor, a province of Indonesia, will be referred to as "Indonesians."

organizations. The monograph will conclude by summarizing the lessons learned that may be applicable for future operations.

Background

Timor-Leste is a tiny nation in South-East Asia, lying in the south-eastern fringe of the Indonesian archipelago. Comprising the eastern portion of the island of Timor, Timor-Leste has a land area of approximately 5,400 square miles; marginally smaller than the US state of Connecticut. The 2009 population is estimated at slightly greater than one million, giving it a density similar to that of the US state of Virginia. It has a generally tropical climate, with more temperate conditions found in the mountainous interior. Timor-Leste's major natural resource is large offshore oil and gas reserves, and only around eight percent of the country's land is arable. Although located in South-East Asia, Timor-Leste's inhabitants, society, economy and customs bear more resemblance to those found in Melanesia. It is both the newest and the poorest nation in Asia.⁷ For a small country, it has had a tumultuous history.

Brief History

The island of Timor was colonized by the Dutch and Portuguese in the early 16th century. The western half of the island was claimed by the Dutch East India Company and later became a Dutch colony. The eastern portion of the island became Portuguese Timor, a remote trading post and source of natural resources including sandalwood and coffee. Following Japanese occupation of the island during World War II, Indonesian nationalists revolted against Dutch rule, gaining independence in 1949. With US support, the Portuguese returned to reclaim their colony, but did

⁷ Simon Chesterman, "East Timor," in *United Nations Interventionism, 1991-2004*, Mats Berdal and Spyros Economides eds. (Cambridge: Cambridge University Press, 2007), 192.

little to improve infrastructure and living conditions for the impoverished Timorese.⁸ A leftist coup d'état in Portugal in 1974 introduced a government determined to rapidly decolonize possessions in Africa and Asia.⁹ As the Portuguese administration withdrew from East Timor, indigenous political parties were legalized and grew rapidly. Elections divided the colony into pro-Portuguese, pro-Indonesian and pro-independence nationalist camps. With the departure of the colonial administration imminent, pro-Portugal Timorese staged a coup to thwart the growing independence movement, aiming to form a nation fashioned on the Portuguese model. A brief civil war ensued, with the victorious pro-independence movement, known as FRETILIN (Revolutionary Front for an Independent East Timor), declaring the nation independent. Nine days later Indonesia invaded and claimed the territory as its 27th province.

The Indonesian military quickly secured Timor-Leste's major cities and lines of communications, while FRETILIN's military wing, FALINTIL (Armed Forces for the National Liberation of East Timor) fought a courageous but costly retrograde into the island's mountainous interior. Up to 180,000 Timorese, more than one quarter of the population, are estimated to have been killed during the invasion or died under the subsequent period of Indonesian rule.¹⁰ The US and Australia both turned a blind eye to the occupation, with Suharto's strongly anti-communist

⁸ The US supported Portugal's post-World War II resumption of colonial rule in Asia and Africa in return for access to Lajes airfield in the Azores, which became a hub for US refueling and anti-submarine aircraft during the Cold War. See Simon Philpott, "East Timor's Double Life: Smells Like Westphalian Spirit," *Third World Quarterly*, Vol.27, No.1, (2006): 138.

⁹ Sara Niner, "Martyrs, Heroes and Warriors: The Leadership of East Timor," in *East Timor: Beyond Independence*, ed. Damien Kingsbury and Michael Leach (Melbourne: Monash University Press, 2007), 115.

¹⁰ Damien Kingsbury and Michael Leach, *East Timor: Beyond Independence* (Melbourne: Monash University Press, 2007), 1.

Indonesia preferred as rulers rather than the left-leaning FRETILIN.¹¹ The UN Security Council and General Assembly passed resolutions condemning the invasion, but the US ensured that Indonesia would evade any serious UN action.¹² Indonesia claimed Timor as pacified in 1979, while FRETILIN leadership actively sought support for Timor-Leste's independence from exile in Mozambique. Australia and Indonesia were the only nations that officially recognized the province as Indonesian territory. In 1991, Indonesian forces opened fire at a funeral in the Timorese capitol Dili, killing 271 and injuring hundreds more.¹³ This event was the catalyst that brought together resistance groups and again thrust the issue of Timorese sovereignty onto the world stage. In a UN-sponsored referendum on 30 August 1999, the population overwhelmingly voted for independence, triggering widespread violence by pro-Indonesian militias.¹⁴ More than 1,500 people were killed and several hundred thousand internally displaced. Diplomatic pressure on a weak Indonesian administration resulted in the deployment of a UN-sanctioned international force to restore security and provide immediate humanitarian aid. This force was succeeded by UNTAET in late 1999, carrying out its mandate of peacekeeping and state-building until Timor-

¹¹ James Cotton, *East Timor, Australia and Regional Order: Intervention and its Aftermath in Southeast Asia*. (New York: RoutledgeCurzon, 2004), 77-78.

¹² Ibid., 149. Generally supportive of Indonesian President Suharto's anti-Communist stance, the US used its power in the UN Security Council to ensure that nothing more than a resolution condemning the action would be raised. US President Ford and Secretary of State Kissinger met with Suharto in Jakarta on the day prior to Indonesia's invasion in 1975.

¹³ UN, *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste* (UN, 2 October 2006), 17.

¹⁴ The Indonesian government has always denied arming and directing the pro-integration (with Indonesia) militia forces that caused so much loss of life and property in 1999. The reluctance of the Indonesian security forces to stop the militias, combined with numerous eyewitness reports of the two forces working in unison, is compelling evidence of Indonesian compliance. Several militia leaders have since come forward and said that their forces were being directed by the Indonesian military. See John R. Ballard, *Triumph of Self-Determination: Operation Stabilize and United Nations Peacemaking in East Timor* (Westport, CT: Praeger Security International, 2008), 104.

Leste officially gained independence in May 2002. UNMISET, a smaller mission designed to support the new state followed, with the UN presence downsized to the UN Office in Timor-Leste (UNOTIL) in August 2005.¹⁵

The 2006 Crisis

Civil unrest exploded in April and May 2006, exposing fault lines between the PNTL (National Police of Timor-Leste) and the F-FDTL (FALINTIL – Timor-Leste Defence Force), and within both organizations. The catalyst for the crisis was a petition to President Xanana Gusmão on 9 January 2006, signed by over one-hundred F-FDTL members, highlighting discrimination of westerners by easterners¹⁶ in the military. After receiving no response to their allegations, this group subsequently known as the “petitioners,” marched on Dili. By now the ranks of the petitioners had swelled to over 400, and after a government commission failed to satisfy their complaints, they refused to return to their barracks. With the support of Prime Minister Mari Alkatiri, the F-FDTL chief dismissed the petitioners from the military; while the president gave some support to the petitioner’s claims in a national address by highlighting east-west discrimination as a genuine issue for concern.¹⁷

In late April 2006, the petitioners staged a five-day demonstration at the Government Palace to air their grievances, the first four days seeing isolated violence around the capital, with

¹⁵ Sue Downie, “UNTAET: State Building and Peace Building,” in *East Timor: Beyond Independence*, ed. Damien Kingsbury and Michael Leach (Melbourne: Monash University Press, 2007), 29.

¹⁶ The ‘ethnic’ divide between people from the east, known as *Lorosae*, and people from the west, known as *Loromonu*, is long-standing, but has only recently turned violent. During the struggle against the Indonesians, the FALINTIL support base was largely in the east of the country, while people in the West had much greater contact with Indonesian institutions, language and culture. The departure of the common enemy has left a void that has rapidly been filled by east vs west rhetoric, and in some cases, violence.

¹⁷ United Nations, *Special Commission*, 22.

the petitioners' numbers again swelling with the arrival of sympathizers and unemployed youths. The prime minister refused to address the crowd. On the final day, the crowd turned violent, breaking through PNTL lines and storming the palace, ransacking offices and burning vehicles. The crowd was crushed with tear gas and warning shots, resulting in the deaths of several civilians. Sporadic violence broke out in the city, with hundreds of houses burned to the ground over the next few hours.¹⁸ That evening, the prime minister called out the F-FDTL to assist the PNTL in restoring order, with each force given specific geographic areas of responsibility. Rumors of massacres by the F-FDTL circulated in the following days, and although unsubstantiated, the F-FDTL was withdrawn to the outskirts of Dili. A policeman was killed by a crowd in Gleno on 8 May 2006, further inflaming the situation. May 23-24 saw armed clashes between groups of F-FDTL and PNTL, and F-FDTL and splinter "rebel" groups, with fourteen people killed.¹⁹

The crisis culminated with rumors of an imminent F-FDTL attack on the police headquarters in central Dili, with F-FDTL also believing that they were about to be attacked by the police. Small groups of F-FDTL soldiers commenced firing at police headquarters, with UNPOL (UN Police) officers successfully brokering a ceasefire to allow the evacuation of unarmed police officers. Soon after the column of unarmed PNTL officers left the headquarters, they were engaged by a small group of F-FDTL, leaving eight police killed and twenty-seven others seriously injured.²⁰ The Government of Timor-Leste formally requested international

¹⁸ Ibid., 26.

¹⁹ Ibid., 31-37.

²⁰ Ibid., 37.

assistance on 24 May 2009, with the first Australian troops arriving the following day to restore order.

Literature Review

The majority of information available regarding security sector development in Timor-Leste lies in secondary source documents. As this is a contemporary issue, there have been only a few significant books published to date, most notably Ballard's *Triumph of Self-Determination*²¹ and Kingsbury and Leach's *East Timor: Beyond Independence*.²² A number of social and political scientists have closely monitored Timor-Leste's troubles, with many relevant articles published in reputable journals over the past few years. Of the accessible primary sources, UN and donor-nation reports are the most relevant.

Ballard's *Triumph of Self-Determination* comprehensively deals with Timor-Leste's struggle for independence, particularly the UN-sponsored referendum, the ensuing violence, and the subsequent military intervention. The last two chapters detail the transition to independent nationhood and the trials and tribulations of state development, and include some references to weaknesses in the fledgling police and military.²³ Although only released in 2008, the book was probably nearing completion by the time of the 2006 crisis, as evidenced by the scant references to this first major test for the new nation.²⁴ Nonetheless, it is an important volume due to the thorough chronicling of the role of UNTAET and the birth of Timorese state institutions. Ballard

²¹ John R. Ballard, *Triumph of Self-Determination: Operation Stabilize and United Nations Peacemaking in East Timor* (Westport, CT: Praeger Security International, 2008).

²² Damien Kingsbury and Michael Leach eds., *East Timor: Beyond Independence* (Melbourne: Monash University Press, 2007).

²³ Ballard, *Triumph of Self-Determination*, 122.

²⁴ *Ibid.*, 122, 140.

also compares the Timor-Leste intervention to four other UN interventions, which provides some context for the ambitious scope of UNTAET.

Kingsbury and Leach's *East Timor: Beyond Independence* of 2007 is one of the few academic publications that examines the 2006 crisis and is a good starting point for further investigation. The book is a collection of essays that specifically examines Timor-Leste post-2002, with authors contributing papers on political development, state-building, and security sector reform. Cynthia Burton's chapter is particularly relevant as she comprehensively examines current issues and future challenges for Timorese security.²⁵

Literally hundreds of papers and articles about the birth and troubled youth of the nation of Timor-Leste have been published in academic journals. Of note, Ludovic Hood, Damien Kingsbury, and James Cotton all stand out as having written comprehensive articles discussing inadequacies in the Timorese security sector. Hood's pre-2006 crisis article "Security Sector Reform in East Timor"²⁶ is almost prophetic, published only a month prior to the crisis and identifying several critical weaknesses in civilian oversight of the military and police. His subsequent article²⁷ builds on this theme and is critical of UN involvement in security sector reform in general. Kingsbury, besides writing three chapters in the aforementioned book he co-edited, has published elsewhere, including an excellent analysis of the Timor-Leste of 2009.²⁸ Cotton's article "Timor-Leste and the Discourse of State Failure," argues that for a state to fail, it

²⁵ Cynthia Burton, "Security Sector Reform" in *East Timor: Beyond Independence*, ed. Damien Kingsbury and Michael Leach (Melbourne: Monash University Press, 2007), 100.

²⁶ Ludovic Hood, "Security Sector Reform in East Timor, 1999-2004." *International Peacekeeping* 13, no. 1 (March 2006): 60-77.

²⁷ Ludovic Hood, "Missed Opportunities: The United Nations, Police Service and Defence Force Development in Timor-Leste, 1999-2004." *Civil Wars* 8, no. 2 (June 2006): 142-162.

²⁸ Damien Kingsbury, "East Timor in 2008: Year of Reconstruction." *Southeast Asian Affairs* (2009): 357-369.

must have been a fully-functioning state to begin with, implying that UNTAET had failed in its role as transitional administrator. Edward Rees authored a comprehensive study of the FALINTIL in 2004,²⁹ which highlights many of the F-FDTL's observed weaknesses. Other important articles will be addressed as they become relevant to the argument.

The numerous reports published by the UN during 1999-2006 are excellent primary sources that provide an insight into the workings of the Transitional Administration and subsequent support mission. The mandate³⁰ provided to UNTAET by the UN Security Council in late 1999 is worthy of examination due to the freedom of action provided to the Special Representative of the Secretary General (SRSG). The biannual reports from the SRSG during UNTAET and UNMISSET document the UN position on its own performance and progress, and rationale for decisions to change the scope of UN support post-independence. While not overly self-critical or critical of the Timorese, these documents are important historical records in analyzing the development of Timor-Leste's security sector.

In June 2006, the Minister for Foreign Affairs of Timor-Leste wrote to the UN Secretary General inviting the UN to conduct an independent inquiry into the tragic events of April and May of that year. The resulting *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste* was published in early October 2006 and remains the authoritative work in detailing the circumstances surrounding the incident. The commission had unfettered access to over 200 witnesses and more than 2000 documents, and provides an excellent chronology of

²⁹ Edward Rees, *Under Pressure - FALINTIL: Three Decades of Defence Force Development in Timor Leste 1975-2004* (Geneva: Centre for the Democratic Control of Armed Forces, 2004), 1-36.

³⁰ United Nations, *Security Council Resolution 1272*, UN S/RES/1272 (25 October 1999).

significant events³¹ and an insightful background to the crisis stretching back as far as Portuguese decolonization.³² The *Report* is unsurprisingly critical of the Timorese government, concluding that the crisis could “be explained largely by the frailty of state institutions and the weakness of rule of law.”³³ The UN itself escapes any serious criticism.³⁴ The strength of the *Report* lies in the more than twenty recommendations it makes to the Timorese government and donor nations to strengthen state institutions to prevent such incidents in the future. However, it does not directly address exactly how and why these state institutions, in particular those of the security sector, were so weak that they literally disintegrated during their first real test. Granted, such issues lie beyond the terms of reference provided the commission for their report, but their extensive investigation has uncovered many leads worth pursuing. For example, the *Report* identifies that the F-FDTL received civilian oversight from the Secretary and his Secretariat of Defence, but the Secretariat at the time of the crisis was critically understaffed with under one-third of positions filled.³⁵ While the Ministry of Interior, charged with oversight of the PNTL, was significantly better staffed, the majority of staff were serving police officers who retained strong personal ties with senior members of the force.³⁶ These and many other insights from this report make it one of the key sources for this monograph.

³¹ United Nations, *Special Commission*, 5-7.

³² *Ibid.*, 16-22.

³³ *Ibid.*, 2.

³⁴ *Ibid.*, 63-64.

³⁵ *Ibid.*, 53.

³⁶ *Ibid.*, 57.

Defense Force Creation and Development

This chapter will examine the origins, creation and development of the F-FDTL. With its roots entrenched in the venerated FALINTIL guerrilla force, the F-FDTL holds a key place in the Timorese narrative.³⁷

Origins of the F-FDTL

Portuguese forces and the colonial administration returned to Timor-Leste following the end of World War II. While fighting costly counter-insurgencies in Africa, Portugal was forced to build up troops in Portuguese Timor in the early 1960's due to rising anti-colonial unrest. By 1963, half of Portuguese Timor's revenues were required to support the military, adding to the discontent of the Timorese.³⁸ Organized political opposition was growing.

FALINTIL was born into conflict. On 20 August 1975, the UDT (Timorese Democratic Union) political party staged a successful coup d'état against the departing Portuguese administration, seizing power in the face of their main political rivals FRETILIN. Formed as the military organ of FRETILIN, FALINTIL comprised around 20,000 Timorese, many of whom had received military training from the Portuguese as conscripts. FALINTIL soundly defeated the UDT in a three month civil war, ending with FRETILIN's declaration of independence for Timor-Leste in late November. Throughout this period, Indonesia conducted a clandestine destabilization campaign throughout Timor-Leste, the subsequent turmoil providing the rationale for their invasion in December of that year. FALINTIL now faced a much more powerful

³⁷ Narrative is the central mechanism through which identities and ideologies are expressed and absorbed. For a comprehensive definition, see United States Army, Field Manual 3-24 *Counterinsurgency* (Washington: Department of the Army, 2006), 1-14.

³⁸ Ballard, *Triumph of Self-Determination*, 7.

opponent. Many of Timor-Leste's elites fled to Portugal and Mozambique, and there remains a deep division between those who fled and those who stayed to fight the Indonesians.³⁹ While FALINTIL inherited small arms from the Portuguese, they were no match for Indonesian regular and special forces using modern US weapons and aircraft.⁴⁰ FALINTIL's first commander, Nicolau Lobato,⁴¹ was killed during a major Indonesian offensive in late 1978, and the force was driven underground and began to operate as guerrillas. The next few years saw FALINTIL gain the wider support of the Timorese people at the grass-roots level. Supporters from within the population, the *clandestinos*, provided arms, money and provisions to FALINTIL at great risk to themselves and their families. This group and their descendants are revered in Timorese society, with many today still staunch FALINTIL loyalists.

Xanana Gusmão became the commander-in-chief of FALINTIL in 1981. He recognized the futility of partisan resistance against the occupying Indonesians, and advocated for FALINTIL to become a broad-based resistance movement, accommodating former adversaries. To achieve this, he removed FALINTIL from FRETILIN against the wishes of senior FRETILIN leadership, making it a truly non-partisan resistance group. The effects of this split re-emerged during the 2006 crisis, with many hard-line FRETILIN aligning with Minister of Interior Rogerio Lobato, while President Gusmão retained the allegiance of senior F-FDTL personnel.⁴² While FALINTIL had put up a stubborn and sometimes heroic resistance, Gusmão understood that FALINTIL could not defeat Indonesia through military means alone, and recognized that

³⁹ Oliver P. Richmond and Jason Franks, "Liberal Peacebuilding in Timor-Leste: The Emperor's New Clothes?" *International Peacekeeping*, Vol 15, No 2 (2008): 189.

⁴⁰ Ballard, *Triumph of Self-Determination*, 10.

⁴¹ Lobato is a Timorese folk hero. He was the elder brother of Rogerio Lobato, Minister of the Interior during the 2006 crisis.

⁴² Rees, *Under Pressure - FALINTIL*, 41.

achieving national unity would be the first step in realizing independence. During this period, many locally conscripted Timorese soldiers deserted to the ranks of the FALINTIL, while many captured FALINTIL guerillas changed sides to fight for their enemy. Rees elaborates that both “treachery and self-sacrifice were but a few of the trends at work amongst FALINTIL at the time.”⁴³ Some current F-FDTL commanders spent some of this period as Indonesian auxiliaries, which has led to questions of their allegiance from opponents. Gusmão was captured by Indonesia in 1992, retaining the title of commander-in-chief throughout his imprisonment and after his release in 1999. His loyalists held all key FALINTIL appointments at the time of international intervention in 1999, and have subsequently formed the officer corps of the F-FDTL.⁴⁴ Indeed, Gusmão’s FALINTIL deputy Taur Matan Ruak is the founding and current chief of the F-FDTL.

During the INTERFET (International Force for East Timor) mission, the FALINTIL showed incredible discipline by obeying Gusmão and Ruak’s directions to remain in their cantonments and refrain from violence, as they had during the UN sponsored referendum.⁴⁵

UNTAET and the F-FDTL

UN Security Council Resolution 1272, the decree that established UNTAET, made no express reference to the disarmament of FALINTIL or for the establishment of a defense force in Timor-Leste. The FALINTIL guerrillas remained in their cantonments, but due to rules prohibiting donor organizations providing aid to armed groups, they received very little

⁴³ Ibid.

⁴⁴ Ibid., 45.

⁴⁵ Ballard, *Triumph of Self-Determination*, 51.

assistance. The fact that many of the fighters had never lived in close proximity to each other before served to inflame political and social differences of opinion.⁴⁶ Shaped by his prior experience in Kosovo,⁴⁷ UNTAET Administrator Sergio Vieira de Mello initially wanted to disband the FALINTIL, but his idea was met with an uproar and disbelief from the Timorese. The UN failed to understand the special place of FALINTIL in Timorese society.⁴⁸

Timor-Leste was the second major UN operation of the year, and De Mello was under significant pressure from both his headquarters in New York City and from influential Timorese such as Ramos-Horta and Gusmão to complete the mission and transfer authority as soon as possible. The initial security plan for Timor-Leste was for a strong police force and no military. Cross-border incursions by pro-Indonesian militia in late 1999 and early 2000, coupled with the question of what to do with thousands of armed FALINTIL guerrillas led to calls for the establishment of a defense force. In late 2000, several studies were made on security sector reform for Timor-Leste, the most prominent being conducted by the Centre for Defence Studies, King's College, London.⁴⁹ The study provided three courses of action for developing a defense force in Timor-Leste: the first described a 5,000 man force comprising 1,500 regulars, 3,500 one-year conscripts, and a small fleet of helicopters and patrol boats; the second proposed a 3,000 man force comprising 1,500 regulars and 1,500 one-year conscripts, with the prospect of developing a navy in the longer term; the final option was an all-volunteer force of 1,500 regulars and 1,500 reservists, also with longer-term aspirations for developing a navy. The third course of

⁴⁶ Rees, *Under Pressure – FALINTIL*, 46-47.

⁴⁷ The UN had been instrumental in disbanding the Kosovo Liberation Army (KLA) as part of the Kosovo peace process. The KLA became the Civilian Protection Corps.

⁴⁸ Samantha Power, *Chasing the Flame* (New York: The Penguin Press, 2008), 311.

⁴⁹ *Independent Study on Security Force Options and Security Sector Reform for East Timor* (London: Centre for Defence Studies, August 2000).

action was considered most suitable by Timorese elites and those engaged with the Transitional Authority. By September 2000 the East Timor Transitional Cabinet⁵⁰ had approved the idea. De Mello and the Cabinet were heavily influenced by Gusmão, who was keen to reduce tensions between FALINTIL and the UN Administration. The basic plan was to form a modest two-battalion defense force from suitable FALINTIL candidates. Gusmão leveraged de Mello by assuring that remaining FALINTIL fighters would be demobilized. In return, actual selection of the force would become an internal FALINTIL process; conducted by Gusmão loyalists.⁵¹ So while the UN had solved the immediate problem of demobilizing the FALINTIL guerillas, Timor-Leste was left with a defense force comprising largely of ex-guerilla fighters, fiercely loyal to their wartime commanders.

The Office for Defence Force Development (ODFD) was created by donor nations and UNTAET in November 2000 to provide assistance in developing this new force. The ODFD was manned by retired and serving military officers from donor nations, who sought to provide planning, training, management, and technical assistance to the F-FDTL. While the ODFD was successful in many areas, in particular the technical and infrastructure aspects of creating the F-FDTL, it was far less successful in others. Firstly, the ODFD did not answer to UNTAET. ODFD and a small number of Timorese officers were solely responsible for the development of strategic policy and force management. This process was therefore conducted with scant civilian direction and oversight, which permitted the ODFD to go forward as it saw fit. Rees notes that the ODFD “has suffered in executing its role due to the vague lines of authority between it, the respective

⁵⁰ The East Timor Transitional Cabinet was an interim body, consisting of two Timorese and two UN-appointed members.

⁵¹ Rees, *Under Pressure - FALINTIL*, 47.

home governments of its personnel, the [Timorese Government] and the successive UN missions.”⁵² The ODFD concept was sound, but hindsight has shown that it was a mistake not to place it under the control of the Transitional Authority. In practice, the UN had deferred defense force development and oversight to the quasi-independent ODFD, despite being the legal governing body in Timor-Leste for over two and a half years.⁵³

From the beginning, F-FDTL recruitment was controversial. The first battalion was raised in June 2001 and moved to barracks in the east of the country. As the F-FDTL leadership was given a free reign on personnel selection, the vast majority of soldiers selected for service in this battalion were ex-FALINTIL Gusmão loyalists. The following year a second battalion was raised from a cadre of first battalion troops, with young recruits without prior FALINTIL service making up the bulk of the unit. Establishing the units in such a manner was to have a profound effect by the time of the 2006 crisis.

Surprisingly, the UN has very little experience in actually creating a host-nation defense force. In both Cambodia and Kosovo, recent and somewhat successful operations, opposing groups were disarmed, demobilized and reintegrated, in some cases with troops recruited directly into the new military force. The FALINTIL situation looks similar on the surface, but in the cases of Cambodia and Kosovo the new military force answered to an indigenous government which was being assisted by the UN. In Timor-Leste the UN *was* the government. In the case of Timor-Leste this was complicated even further by the new nation lacking a constitution to define the roles and responsibilities of this new force. Rees concludes that “UNTAET had to retire

⁵² Ibid., 14.

⁵³ Hood, “Security Sector Reform,” 71.

FALINTIL and establish a national defense force. Given its lack of contextual knowledge UNTAET was manipulated and made mistakes in this process.”⁵⁴

International Assistance

Several nations have been providing assistance to the F-FDTL. Australia and Portugal have been the major actors, with the United States, Brazil, the United Kingdom and a few others providing lesser contributions. A first conference of potential donor nations was held in November 2000, resulting in the creation of the ODFD and initial agreements for bilateral military support activities. As discussed previously, ODFD greatly assisted Timor-Leste in rapidly developing a defense capability, but it did so with little UN or Timorese oversight.

Australia was one of the first nations to take an active role in developing the F-FDTL, announcing an A\$26 million military aid program in late 2000.⁵⁵ Australia provided staff officers to the ODFD and F-FDTL High Command, full-time training teams in F-FDTL training establishments, and took the lead in barracks and training infrastructure development. Selected F-FDTL officers and soldiers undergo advanced training courses in Australia. Australia’s interests lie in a stable Timor-Leste, but must be viewed in the context that this relationship will always be subordinate to the Australia’s relationship with Indonesia. Australia is therefore interested in a gainfully employed F-FDTL, but is also keen to ensure that this does not provoke the Indonesian military across the border.⁵⁶ Portugal has also been a major provider of resources and training

⁵⁴ Rees, *Under Pressure – FALINTIL*, 46

⁵⁵ Cotton, *Regional Order*, 135.

⁵⁶ Rees, *Under Pressure – FALINTIL*, 61.

assistance to the F-FDTL and PNTL, mainly due to historical ties and the prevalence of Portuguese language amongst the Timorese elite.

The assistance that donor nations have provided the F-FDTL has been invaluable. The uniforms, weapons, facilities, and most importantly, training that have been provided have transformed the F-FDTL from a guerrilla-based force into a small defense force. With time and continued international support, it promises to one day become a professional organization. Unfortunately, this assistance has come at a price. Through the ODFD, donor nations have been able to control virtually all aspects of defense force development, and may not have built the force that Timor-Leste really needs. By ignoring the question of defense force development, UNTAET empowered the ODFD and donor nations, enabling them to build the force as they saw fit. This has invariably led to a focus on the more tangible lower-end tactical skills such as individual soldier training – with easily quantifiable results that can be displayed back in the donor nation to allow assessment of value for money. Many of the bilateral offers of assistance made at the 2000 and subsequent annual donors' conferences were caveat to strengthening civilian oversight of the F-FDTL through the Secretariat of the Secretary of State for Defence (SSOD). By late 2002, the Secretariat manning had been cut from more than forty personnel to less than fifteen. In January 2004, the Secretariat only had four junior civil servants.⁵⁷ Donor nations did not suspend their assistance.

The F-FDTL is too small to defend against the perceived aggressor, Indonesia, but is too expensive for the poor nation to afford, consuming around eight percent of the government

⁵⁷ Ibid., 11.

budget.⁵⁸ International actors, including the UN, have provided Timor-Leste with a defense force that lacks a mission and could be considered a very costly exercise in job creation.

F-FDTL Issues at the time of the 2006 Crisis

The F-FDTL held a very tenuous relationship with the PNTL from the beginning. The first issue stemmed from a lack of defined operational role for the F-FDTL. At the time it was created, F-FDTL leadership saw that their future mission would be to ‘protect the nation,’ which was generally assumed to be best achieved by securing the frontier with Indonesia. The development and deployment of the Border Patrol Unit (BPU) by the PNTL took this primary mission away from the F-FDTL and sparked initial tensions between the organizations. The creation of additional special units, discussed in more detail in the next section, also eroded away more possible missions for the F-FDTL. While the constitution did call for the F-FDTL to be prepared to assist the civil authority, supporting legislation had yet to be written. Without a clear purpose and rationale for operational employment, development of the F-FDTL floundered.

The second major issue concerned resourcing. As the PNTL was under operational control of the UN until the conclusion of UNMISSET, it received significant resources directly from its UNPOL mentors. Additionally, several nations were conducting bilateral programs directly with the PNTL, under the coordination of the UN. Conversely, the F-FDTL received very little resources directly from the UN. The ODFD administered most resources for the F-FDTL, generally provided by donor nations represented in the Office (particularly Australia and Portugal) or by conducting bilateral training support missions in Timor-Leste. The PNTL received new uniforms, weapons, vehicles and communications equipment. The F-FDTL

⁵⁸ Kingsbury, *Beyond Independence*, 24.

received second-hand or surplus uniforms and weapons from donor nations, along with a smattering of obsolete communications equipment and vehicles. The F-FDTL and their sympathizers saw this as UN and Timorese Government bias towards the PNTL, which did not even exist during FALINTIL's twenty-four year struggle against Indonesia.

The final and perhaps defining rift between the F-FDTL and the PNTL was one of ethnicity. As previously discussed, the F-FDTL's first battalion of infantry was comprised exclusively of FALINTIL loyalists, predominantly from the eastern part of the country. The PNTL as an organization was incredibly reliant on the Dili-based UNPOL, whose recruiting criteria saw mainly Indonesian educated, urban Timorese join the force. Indeed, some 350 Timorese who had previously been members of the Indonesian police were recruited into the PNTL, with only four weeks of transition training.⁵⁹ While both organizations were far from homogeneous, particularly after the raising of the second battalion of F-FDTL, the perception in the community was that the military represented the east of the country, and the police the west.

The F-FDTL and PNTL clashed several times in the years leading up to the 2006 crisis. Civil disturbances and a cross-border armed militia attacks in late 2002 and early 2003 saw elements of the F-FDTL deployed in support of the civil authority, despite the lack of supporting legislation. All of the suspects detained by the F-FDTL during the operation were handed over to the PNTL, who released the majority immediately and the remainder several days later. In January 2004, the F-FDTL clashed with and detained a number of PNTL officers in Los Palos. Subsequent government inquiries highlighted low morale in the F-FDTL, but refused to apportion blame for the incident.

⁵⁹ Hood, "Missed Opportunities," 149.

The petition to President Gusmão of 9 January 2006 alleged mismanagement and discrimination within the F-FDTL. When no reply had been received three weeks later, the petitioners began deserting their barracks and returning to their homes. A subsequent protest in Dili brought about government action by the way of a commission, but it failed to resolve the petitioners' grievances.⁶⁰ The majority of the F-FDTL second battalion left their barracks on 17 February 2006, complaining that as "westerners," they had been denied promotion and opportunities regularly bestowed on "easterners." At the time, the F-FDTL high command was almost entirely composed of ex-FALINTIL from the east of the country.⁶¹ The ranks of the petitioners were augmented by ex-FALINTIL and *clandestinos* who failed to be selected for service in the F-FDTL. The final straw was the dismissal of nearly 600 F-FDTL soldiers, including more than 400 petitioners, the results of which were outlined previously.

Summary

UNTAET missed a historical opportunity by essentially remaining passive in the creation of a defense force in Timor-Leste. While initially proactive in securing donor support and encouraging independent studies on security sector development, UNTAET's creation of the quasi-independent ODFD essentially divested the UN of this important responsibility. By not understanding the importance of FALINTIL in the Timorese narrative, in particular the long-term effects of the split from FRETILIN, the UN failed to recognize how selective recruiting would politicize the F-FDTL. Rees points out that "the process that determined the future of FALINTIL, and the shape of F-FDTL, is responsible for creating many of the present problems associated

⁶⁰ United Nations, *Special Commission*, 21.

⁶¹ James Cotton, "Timor-Leste and the Discourse of State Failure," *Australian Journal of International Affairs* 61, no. 4 (2007): 460.

with the legitimacy of the F-FDTL.”⁶² Donor nations, while clearly providing more benefit than harm, brought with them agendas and held the power to develop the F-FDTL as they saw fit. The F-FDTL is too small to achieve its mission of defending the nation, but is arguably too large and expensive for Timor-Leste to maintain. If UNTAET had seen the lack of direction for defense force development in the mandate as an opportunity rather than as a burden, it may have been able to take on the challenge and build a non-partisan defense force that compliments other security organs rather than competes with them. All of these factors contributed to the rift between the F-FDTL and PNTL, highlighted in the violence and breakdown of both organizations in the 2006 crisis. Many of the problems that plagued the development of the F-FDTL had an impact of the ongoing parallel development of the PNTL, which is the subject of the following section.

Development of the PNTL

This chapter will examine UN performance in developing the PNTL as an institution. Unlike the relationship between FALINTIL and its successor force the F-FDTL, the PNTL had no real preceding Timorese organization to build upon.

Origins of the PNTL

During the Portuguese period, Portuguese national and Timorese colonial police enforced Portuguese law in the colony. Life in Portuguese Timor was hard, and the state ruled with a firm hand. Several minor indigenous uprisings were crushed by the Portuguese, the largest of these seeing Portugal deploy thousands of colonial troops from Mozambique and Macau to quell the

⁶² Rees, *Under Pressure - FALINTIL*, 47.

unrest. During the Indonesian occupation, order in Timor-Leste was maintained by both the Indonesian police and military. The Indonesian National Armed Forces (TNI) took the lead during the 1975 invasion and subsequent counter-insurgency campaign against FALINTIL. The Indonesian National Police (POLRI), a paramilitary force by western standards, was tasked with enforcing Indonesian law in the nation's newest province. The TNI and POLRI were brutal in their dealings with the Timorese, systematically inflicting human rights abuses including murder, torture, rape, political imprisonment, and forced re-settlement.⁶³ Strict government censorship and movement restrictions curtailed the Timorese in their efforts to organize and to gain international recognition for their plight. Unfortunately, it took the barbarous Santa Cruz Cemetery massacre in 1991 to finally bring some of these injustices to world attention.

Generations of Timorese were greatly influenced by their experiences at the hands of the Portuguese and Indonesians. In particular, the excesses of violence and abuses of human rights inflicted by the TNI and POLRI during the Indonesian occupation made most Timorese fearful and suspicious of police. The PNTL still bears the scars from this period. Many civilians deeply distrust the organization; the inclusion of hundreds of former POLRI officers in the PNTL, with some currently holding senior ranks is still grounds for concern for many. Conversely, other than their brief training period and infrequent interactions with UNPOL officers, PNTL members' understanding of how a police force operates has also been adversely affected by their recollections of the POLRI. Corruption, excessive use of violence, and other human rights abuses

⁶³ John Taylor, *The Indonesian Occupation of East Timor 1974–1989* (London: Catholic Institute for International Relations, 1990), 100-110. See also Amnesty International, *East Timor Violations of Human Rights: Extrajudicial Executions, "Disappearances," Torture and Political Imprisonment, 1975–1984* (London: Amnesty International Publications, 1985), 53-60.

were carried out by POLRI routinely during the Indonesian occupation; thus many Timorese joined the PNTL with this preconceived model of policing.

UNTAET

There is much criticism of the slow pace of the deployment of the UNTAET mission into Timor-Leste. Although Security Council Resolution 1272 had authorized 1,600 UNPOL officers, only one-quarter had arrived three months into the mission.⁶⁴ As the second major operation for the year, the UN found it difficult to attract quality staff quickly. Martin and Mayer-Rieckh criticize the UN as being slow to recruit officers, and providing them insufficient induction training and limited understanding of the Timorese cultural context.⁶⁵

UNTAET set a very ambitious objective of recruiting and training 2,800 Timorese police officers in just thirty months. A police academy was established in Dili, with UNTAET training more than 1700 recruits prior to independence in 2002. One of the still-contentious issues regarding police recruitment was the integration of some 350 former Indonesian POLRI officers into the PNTL. These officers were provided one month of transition training compared to the three months provided to normal recruits. Hood believes that “there is a strong argument to be made that the UN should have thought twice about recruiting former members of the previous repressive regime’s security apparatus.”⁶⁶ The perceptual harm that this act did to the PNTL has greatly outweighed the experience that these officers brought with them. These ex-POLRI

⁶⁴ Power, *Chasing the Flame*, 315.

⁶⁵ Ian Martin and Alexander Mayer-Rieckh, “The United Nations and East Timor: From Self-Determination to State-Building,” *International Peacekeeping* Vol. 12, No.1, (Spring 2005): 134.

⁶⁶ Hood, “Security Sector Reform,” 64.

officers were put on a career ‘fast-track,’⁶⁷ and many still hold senior positions in the PNTL. With three months of formal training plus an additional six months of on-the-job training, the transition from civilian to police officer in Timor-Leste was brief by even Asian standards. This was compounded by the fact that the training was conducted through interpreters, effectively halving the actual instruction time.⁶⁸ A critical failing in the early stages of UNTAET was that no international police officers assigned to the mission as UNPOL were specifically assigned for police development.⁶⁹ As none of the police were specifically recruited for their experience as trainers, an assumption is that the UN believed that any policeman assigned to UNPOL would be adequate to turn Timorese recruits into PNTL officers.

UNTAET was primarily focused on meeting quotas of trained personnel; prioritizing quantity over quality. More than forty nations were represented in UNPOL, but UNTAET failed to provide an agreed upon model for training standards and government involvement.⁷⁰ This resulted in a wide variation in the quality of training, in particular on-the-job training under UNPOL mentorship. Totally dependent on the UN for resources and leadership, the PNTL had no incentive to develop middle management, administrators and resource managers. UNTAET had recognized this by late 2001,⁷¹ but could do little to change the situation prior to independence.

UNTAET also failed to adequately engage the Timorese to develop a long-term vision for their indigenous police force. While the UN Secretary General remarked in an early report to

⁶⁷ Sven Gunnar Simonsen, “The Authoritarian Temptation in East Timor,” *Asian Survey*, Vol. XLVI, No. 4 (July/August 2006): 589.

⁶⁸ Hood, “Security Sector Reform,” 64.

⁶⁹ *Ibid.*, 63.

⁷⁰ Burton, “Security Sector Reform,” 105.

⁷¹ United Nations, S/2001/983, 9.

the Security Council that “a key objective is to ensure that the East Timorese themselves become the major stakeholders,”⁷² this did not transpire for the PNTL. The early history of the PNTL is marked by frequent and rapid changes in direction and priority by UNTAET. The most visible display of this uncertainty to the common Timorese was the service’s three name changes in as many months during 2002. Hood remarks that “UNTAET’s leaders did not engage East Timor’s political leaders in PNTL establishment, creating a force lacking strategic vision, coherent identity and institutional loyalty.”⁷³

UNMISSET

UNTAET had laid the framework for one-hundred civilian advisors to be part of its successor mission, UNMISSET. Nearly half of these positions were allocated to the financial sector,⁷⁴ with none tasked with institutional development of the PNTL.⁷⁵ In what can only be termed a half-hearted attempt, UNPOL only tasked two out of its more than 1000 officers to concentrate on institutional development of the PNTL.⁷⁶ UNMISSET tried several initiatives to try and foster identity and institutional development in the PNTL, including capacity-building workshops and combined committees, but found little success. Emerging problems in the PNTL, particularly with corruption, frequent excessive use of force, and general lapses in discipline

⁷² United Nations, S/2000/53, 9.

⁷³ Hood, “Security Sector Reform,” 61.

⁷⁴ United Nations, S/2001/983, 10.

⁷⁵ Hood, “Missed Opportunities,” 146.

⁷⁶ Hood, “Security Sector Reform,” 65.

forced the UN Secretary General to inform the Security Council that “building the [PNTL] is a long-term endeavour, well beyond UNMISSET’s mandate.”⁷⁷

The minor rift that was developing between the PNTL and the F-FDTL was heightened by the appointment of Rogerio Lobato as the Minister of the Interior in 2002.⁷⁸ Lobato, a FRETILIN hardliner and younger brother of national folk-hero Nicolau Lobato – the FALINTIL commander prior to Gusmão – actively campaigned to delegitimize the F-FDTL as the successor to FALINTIL. Lobato used loyal FALINTIL veterans to promote distrust of the F-FDTL through public demonstrations, and raised the stakes by ever-increasing the role of the PNTL in state security. Nowhere was this more manifest than in the creation of special units within the PNTL. The creation of the BPU, which assumed responsibility for security of the Indonesian border in October 2003, was taken as an insult by many in the F-FDTL who believed that they held moral responsibility for protecting the nation from external threats. The Special Police Unit (SPU) was created primarily for crowd control, and was modeled on the Portuguese Republican National Guard (GNR), deployed in the same capacity in Dili during UNTAET, UNMISSET and more recently after the 2006 crisis.⁷⁹ The Rapid Deployment Service (RDS) is a group of 300 PNTL who have received additional tactical training, and are able to deploy throughout the country at short notice, primarily to support the BPU on the frontier. The PNTL special units combine to erode the relevance of the F-FDTL, and are the cause of much angst amongst the latter and its supporters.

⁷⁷ United Nations, S/2002/1223, 7.

⁷⁸ Rees, *Under Pressure - FALINTIL*, 23

⁷⁹ The GNR is a para-military organization, who has proven very effective in crowd control during their deployments in Timor-Leste. On occasion, they have been criticized for excessive use of force, as have more recently the SPU.

The first real test for the PNTL was a series of civil disturbances in Baucau and Dili in November and December 2002. The PNTL proved inadequate in defusing critical situations without quickly resorting to the use of force, the UN conceding that their premature employment in such situations risked lowering their public standing.⁸⁰ Unfortunately, the aggressive downsizing of UNTAET and then UNMISSET left gaping holes in the capability of the mission. From 2003, the UN Special Representative made several successful submissions to delay the downsizing, even succeeding in extending the mission for an additional year. Unfortunately, by this time UNMISSET lacked the specialist manpower to rectify the problems emerging in the PNTL, even though this concern had been raised several times with the UN Security Council.⁸¹

PNTL in the Lead

At the conclusion of UNMISSET, the PNTL took the lead in policing throughout Timor-Leste, with UNPOL reduced to an advisory role. This increase in autonomy raised tensions between the police and the military. With the F-FDTL leadership dominated by Gusmão loyalists, some elites and members of government tried to counter this with increased resourcing of the PNTL.⁸² Nowhere was this more profound than within the PNTL's special units. The weaponry and firepower of the special units quickly increased once the new Timorese government gained primacy for policing.⁸³ Minister of the Interior Lobato had tried to increase PNTL weaponry during 2003, but was prohibited to do so by the UN mandate. The PNTL received its first 180

⁸⁰ United Nations, S/2003/243, 4.

⁸¹ Ibid., 9.

⁸² Cotton, *Regional Order*, 161.

⁸³ Andrew Goldsmith and Sinclair Dinnen, "Transnational Police Building: Critical Lessons from Timor-Leste and Solomon Islands," *Third World Quarterly* 28, no. 6 (2007): 1098.

HK33 semi-automatic assault rifles, donated by Malaysia, on the day after the expiration of the mandate in May 2004. Two hundred and seventy more rifles had been purchased by the end of that year. Lobato stated his intention to increase the police reserve to battalion size, and skewed the selection process to ensure that the majority were recruited from western districts.⁸⁴

With several donor nations and the UN becoming acutely concerned with the development of the PNTL, a security sector investment program plan was commissioned to identify weaknesses and recommend solutions. Unfortunately, the plan was largely written by foreign consultants, with limited Timorese input, and was based on international ‘best practices’ for security sector reform.⁸⁵ The international community once again failed to gain an understanding of the root causes of the Timorese problem, importing reform models that were largely irrelevant to the Timorese situation.

PNTL Issues at the time of the 2006 Crisis

As outlined in the previous section, a fracture was rapidly widening between the police and military due to an expansion of roles for PNTL through its special units, an F-FDTL perception of a priority of resourcing for the PNTL, and the rising importance of ethnicity and its politicization in both organizations. Leading into 2006, these tensions further increased due to several incidents that highlighted the poor human rights record of the police, and the fact that the police enjoyed higher pay and better conditions of service.⁸⁶ An incident between soldiers and

⁸⁴ United Nations, *Special Report*, 19.

⁸⁵ Burton, “Security Sector Reform,” 100.

⁸⁶ Kingsbury, *Beyond Independence*, 22.

policeman at a football game in Los Palos in 2005 saw the police station subsequently burnt down.

Unemployed urban youth in Dili became disturbingly embroiled in the issue as an extension of the perceived ethnicity division between the PNTL and F-FDTL. As some members of the PNTL had previously served in the Indonesian police, the organization was seen as biased towards “westerners.”⁸⁷ This had been exaggerated by UN recruiting practices for PNTL officers, which required basic literacy and a preference towards English and Indonesian languages; traits more commonly found in the west of the country. Youth with origins in the east of the country felt aligned with the concerns of military. Youth from the west aligned with the police, and later the F-FDTL petitioners who were said to have suffered discrimination at the hands of their “eastern” superiors. Gangs formed around ethnicity, with violent clashes between groups increasing through late 2005 and into the 2006 crisis.

International observers and senior members of the F-FDTL were particularly concerned about the increasing number of weapons being brought into the country by the G-RDTL. The awarding of a monopoly contract for weapons purchase to the prime minister’s younger brother in July 2005 raised serious questions about the motives for the exponential increase in police armament since the conclusion of the UN mandate.⁸⁸

The actions of Minister of the Interior Lobato began to fracture the PNTL. A parallel command structure was emerging, with several special units increasingly being directly resourced

⁸⁷ James Cotton, Timor-Leste and the Discourse of State Failure," *Australian Journal of International Affairs* 61, no. 4 (2007): 460.

⁸⁸ Burton, “Security Sector Reform,” 101.

by the Office of the Minister, negating the chain of command. This disenfranchised many PNTL officers, many of whom deserted their posts at the onset of the 2006 crisis.

Summary

Due to their experiences under Portuguese and Indonesian rule, the Timorese people were long accustomed to treating police with deep suspicion.⁸⁹ The UN failed to recognize that all previous police forces in Timor-Leste had been oppressive, and this shaped the perceptions of the public and of those recruited into the service. UNTAET's incorporation of hundreds of former POLRI officers into the organization confirmed these fears for many. UNTAET was hamstrung by a slow build-up of UNPOL officers, and negligent in not influencing the UN to source specialized police trainers and management experts. UNTAET also set up its successor mission for failure by not rectifying this problem, even though it had been recognized and conveyed to the Security Council on several occasions. The UN had sacrificed quality for quantity in building the PNTL, in an effort to meet the ambitious timelines set by the Security Council and major contributing nations. The failure to include Timorese at every level of decision making denied them ownership of the PNTL, and hampered efforts to instill a long-term vision for the force.

Goldsmith and Dinnen theorize that “most police-building exercises flounder or fail because of their narrow technical focus and of inadequate understanding of the environmental and political contexts in which they occur.”⁹⁰ The UN certainly displayed a narrow technical focus

⁸⁹ Andrew Goldsmith and Sinclair Dinnen, "Transnational Police Building: Critical Lessons from Timor-Leste and Solomon Islands," *Third World Quarterly* 28, no. 6 (2007): 1092.

⁹⁰ *Ibid.*, 1095.

and poor contextual understanding in its development of the PNTL; its failure to understand the Timorese political context is discussed in more detail in the following section.

Civilian Control of the Security Sector

This chapter will examine civilian control of the security sector in Timor-Leste, during both the period of UN administration and post-independence. The creation of a flawed constitution, the rush to transfer power to an immature and poorly-staffed Timorese Government (G-RDTL), and the resulting delays in the passage of key legislation have hampered effective and apolitical civilian control of the security sector.

During the Indonesian occupation, the threat of a common enemy brought resistance groups and political opponents together. By the time that Gusmão led his FALINTIL guerrillas to split from FRETILIN to become a “party-independent” force in 1987, FRETILIN had commenced contact with other resistance groups, including their old enemies the UDT. By 1989, FRETILIN had replaced their Marxist ideology with nationalism, and took the name CNRT (Timorese Council of National Resistance), and included many other resistance groups.⁹¹ The CNRT had unified Timorese resistance, with the FRETILIN leadership ensuring that they remained firmly in control.

UNTAET and the G-RDTL

The UNTAET exit strategy was reliant on establishing a functioning Timorese government. The date of 20 May 2002 was proposed by FRETILIN for Timor-Leste’s

⁹¹ Cotton, *Regional Order*, 152.

independence, the twenty-eighth anniversary of the creation of the first Timorese political party.⁹² Once accepted by the Transitional Administration, both the UN and the Timorese proved reluctant to deviate from this ambitious schedule.

FRETILIN, as the largest and most organized political group, was well positioned to influence the Transitional Administrator. As the senior member of the CNRT, FRETILIN dominated early interaction with the Transitional Authority, although this was at times moderated by limited representation from other political parties in the Council. Twelve months prior to the election of the Constituent Assembly in August 2001, FRETILIN strategically split from the CNRT to focus on the election; in which it won the majority of seats.

The first and most important task of the new FRETILIN-dominated Constituent Assembly was the drafting of a new constitution, and set itself the ambitious target of ninety days in which to do so. The rationale for such a rapid process was to allow the then constitutionally-empowered government to pass critical operating legislation prior to independence and the transition to Timorese control. Several draft documents had been circulating among prominent Timorese for months, the major differences being in the role of the future president. The FRETILIN draft proposed a Portuguese-style semi-presidential executive, with the president firmly subordinate to the legislature rather than the more widely used French model that provides greater balance between the institutions.⁹³ FRETILIN used its power in the Constituent Assembly to ensure that its draft was selected, tipping the balance of power towards the prime minister and

⁹² The Timorese Social Democrats Association (ASDT), the forerunner of FRETILIN, was formed on 20 May 1974. See Ballard, *Triumph of Self-Determination*, 198.

⁹³ Goldstone, "UNTAET with Hindsight," 86.

cabinet, at the expense of the future president.⁹⁴ While Gusmão had the ear of Transitional Administrator de Mello and was certain to be elected the nation's first president, Alkatiri and his hard-liners had ensured that once UNTAET concluded, FRETILIN would be firmly in charge. The president would become commander-in-chief of the F-FDTL in name only; the real power to control the military and the police would lie with the prime minister and his cabinet. UNTAET acquiescence to have the constitution drafted in just ninety days, with a distinct lack of public consultation, provided a flawed document that distributed power unevenly between the executive and legislative branches of the government and undermined the notion of balanced civilian control of the military and police. Alkatiri was much more committed to the dominance of FRETILIN than to successful plural politics, including the notion of a questioning opposition.⁹⁵ The new constitution also stipulated that the FRETILIN-dominated interim Constituent Assembly would transform into the national parliament upon independence, without an election; a development that Richmond and Franks label "transforming democracy into dictatorship."⁹⁶ This stipulation is arguably a product of the time that Alkatiri and around half of his cabinet spent in exile in Mozambique, a nation not known for its healthy democracy or respect for the rule of law.⁹⁷

The apparent rush to draft the constitution satisfied both UNTAET and much of the Timorese elite's wishes for a rapid transfer of power to indigenous authorities. Immediately after the 1999 popular consultation, many prominent Timorese envisaged a five-year transition to

⁹⁴ Cotton, "State Failure," 463.

⁹⁵ Kingsbury and Leach, *Beyond Independence*, 20.

⁹⁶ Oliver Richmond and Jason Franks, "Liberal Peacebuilding in Timor Leste: The Emperor's New Clothes?" *International Peacekeeping* 15, no. 2 (2008): 192.

⁹⁷ Kingsbury and Leach, *Beyond Independence*, 24.

independence.⁹⁸ Once it was understood that the Transitional Administration favored an expedited transfer, Timorese elites applied pressure both directly and through the media ensure this occurred. Indeed, the brevity of the intervention from the UN standpoint was determined by both the Security Council's limited patience for nation-building and judgment by the Secretariat on the depth of the pockets of contributing nations.⁹⁹ In practice, the constitutional deadline was extended by several months, but independence was not delayed as a result. The period prior to independence in which the new government would have available to draft, debate and pass new legislation into law was consequentially reduced by seventy-five percent.

The UN did make some efforts to empower the G-RDTL to participate directly in developing security policy. UNTAET established a National Security Council in late 2001, but Timorese participation was limited. Many critical aspects of Timor-Leste's security system were deficient at the time of independence, with a distinct lack of military and police policy documents, and unclear civilian oversight procedures.¹⁰⁰

The Timorese Public Service

Perhaps the greatest challenge that faced UNTAET in establishing the G-RDTL was not the conduct of popular elections to select Timorese for high office, but in finding suitable candidates to fill vital positions in Timor-Leste's public service. The violent separation from Indonesia in 1999 saw the departure of virtually all of the province's civil servants. UNTAET established a Public Service Commission as early as January 2000, with the Public Service

⁹⁸ Anthony Goldstone, "UNTAET with Hindsight: The Peculiarities of an Incomplete State," *Global Governance*, Vol. 10, Iss. 1 (Jan-Mar 2004): 84.

⁹⁹ *Ibid.*, 85.

¹⁰⁰ Downie, "UNTAET: State Building and Peace Building," 99.

Academy opening in Dili less than four months later. While UNTAET optimistically reported in January 2001 that it had recruited seventy percent of the projected number of civil servants required for the G-RDTL,¹⁰¹ quantity could not make up for a deficiency in quality. Most Timorese, regardless of education standard, simply had no experience in operating a government and its institutions. Throughout UNTAET, the fledgling Timorese institutions were heavily reliant upon international staff. Nearly all of the UN Secretary General's biannual reports to the Security Council from late 2001 through to the end of UNMISSET highlighted difficulties in securing suitably qualified Timorese and international staff to work in the civil service. The UN Secretary General's last report on UNTAET to the Security Council highlights the difficulties in building Timor-Leste's public service, stating that recruitment, training and capacity-building have taken much longer than anticipated.¹⁰² Incredibly, downsizing of the civilian component of UNTAET continued as planned. At the time of Timor-Leste's independence, which marked the end of the UNTAET mission, only half of the management positions in the new Timorese administration had been filled.¹⁰³ Poor staffing levels and a lack of suitably qualified civil servants would hamper G-RDTL ability to draft quality legislation, exercise apolitical control of the military and police, and ensure that the forces would be used legally during times of crisis.

Legislation

A UN report from early 2001, which detailed the decision to raise a defense force, stated that "enabling legislation for the [F-FDTL], providing for civilian oversight and accountability of

¹⁰¹ United Nations, S/2001/42, 3.

¹⁰² United Nations, S/2002/432, 2.

¹⁰³ Downie, "UNTAET: State Building and Peace Building," 40.

the force, will be adopted prior to the enlistment of soldiers.”¹⁰⁴ The delay in the adoption of a constitution and the fixation on 20 May 2002 for independence, compressed the amount of time available for the Constituent Assembly to pass critical operating legislation. Laws for policing and defense were hurriedly passed in May 2004, but lacked clear definition of roles for the PNTL and F-FDTL. The F-FDTL was charged with maintaining “external security” of the nation, even though the security of the border was being maintained by the PNTL’s BPU. The PNTL was charged with maintaining “internal security,” but the F-FDTL was also given a mission to “support the civilian authority” in times of internal crisis. There was no definition of the circumstances, chain of command, and procedures for internal deployment of the F-FDTL in such a crisis. Burton explains that “experience in Latin America and Africa has shown that a lack of clear separation between the organs of internal and external security can lead to tensions and confusion between defence and police forces.”¹⁰⁵

Oversight Mechanisms

Constitutionally, the president is appointed Commander-in-Chief of the F-FDTL, but operational control was to be exercised by the Secretariat of Defense.¹⁰⁶ Since its inception, the Secretariat has suffered from a critical shortage of suitably qualified staff. The UN *Special Commission* identified that only four of the eighteen civil service posts were filled over the period 2004-2006.¹⁰⁷ The staff shortage left the Secretariat unable to focus beyond the immediate tasks

¹⁰⁴ United Nations, S/2001/42, 4.

¹⁰⁵ Burton, “Security Sector Reform,” 101.

¹⁰⁶ Some sources document the Secretariat as the “Ministry of Defence.” It is the same organization.

¹⁰⁷ United Nations, *Special Commission*, 53.

of day-to-day operation of the F-FDTL. This shortage left a void in the ability of the G-RDTL to develop medium and long-term policy and operational procedures for the F-FDTL. Until the 2006 crisis, this fault was largely overcome through the direct relationships enjoyed between senior F-FDTL leadership and members of the G-RDTL. At the time of the 2006 crisis, when many of these relationships came under tension, the lack of higher-level policy caused a breakdown in command and control. This breakdown led to elements of the military splitting into factions aligned either on lines of loyalty to commanders or by ethnicity. Chesterman noted in 2004 that some UN officials were worried that the F-FDTL may assume a role not unlike Indonesia's military, where it "operates largely outside of civilian control and on occasion involves itself in the issues of government."¹⁰⁸

The PNTL was overseen by the Ministry of the Interior, with the PNTL General Commander a direct subordinate. UNMISSET and UNTAET did little to prepare Interior Ministry staff for the transition to Timorese-led policing. Upon independence, the technical control of the PNTL was transferred to the Ministry, while the operational control of the force remained with UNPOL until the end of UNMISSET. This three-year period was the perfect time in which to prepare the Ministry and senior PNTL officers, but according to Hood, weak and unimaginative UN leadership failed to produce a holistic vision for long-term police development.¹⁰⁹ None of the UNMISSET civilian advisors to the new Timorese government were tasked to assist in regulating civilian control over the PNTL.¹¹⁰ Upon the withdrawal of UN staff from the Ministry, few suitable Timorese candidates were available to fill the vacuum, and many positions were

¹⁰⁸ Simon Chesterman, "East Timor," in *United Nations Interventionism, 1991-2004*, ed Mats Berdal and Spyros Economides (Cambridge: Cambridge University Press: 2007), 192.

¹⁰⁹ Hood, "Security Sector Reform," 69.

¹¹⁰ Hood, "Missed Opportunities," 145.

filled with PNTL officers. The Interior Ministry was more adequately staffed than the Secretariat of Defence, but disturbingly more than half of the staff were serving police officers, somewhat blurring the notion of civilian control over the police.¹¹¹ This trend increased after the appointment of Lobato, with the Minister appointing confidants into key positions, driving a wedge between elements of the PNTL and further politicizing the Ministry. Lack of objective civilian control became apparent during the 2006 crisis, with Minister Lobato able to repeatedly transfer PNTL weapons illegally to civilians and selectively arm aligned factions within the PNTL with military-style weapons to counter the threat of F-FDTL interference.

There was a distinct lack of formal independent oversight of the military and police in Timor-Leste. The Office of the Provedor, the equivalent of an ombudsman, is an institution that was established to provide independent oversight of government activities. Like the majority of Timorese institutions, it suffered from a lack of suitably qualified staff and funding.¹¹² Investigations were slow, with a large backlog of outstanding enquiries. With freedom of speech firmly curtailed under Indonesian rule, Timor-Leste's media was still in its infancy. A particular weakness lay in the field of investigative journalism. Timorese journalists lacked the training and experience to investigate delicate issues such as government corruption, and many feared that if they did they would suffer at the hands of the police or military. The quality of reporting was weak and security sector issues were poorly understood.¹¹³

The Superior Council for Defence and Security was established in 2005 to advise the president on defense and security policy; security and defense laws and legislation; and other

¹¹¹ United Nations, *Special Commission*, 57.

¹¹² Burton, "Security Sector Reform," 103.

¹¹³ *Ibid.*, 103.

decisions relating to war, peace, and national emergencies. With representation including the prime minister, ministers for defense, interior, foreign affairs, several parliamentary representatives, and the heads of the police and military, in theory it is well founded to be able to provide comprehensive advice on security policy and strengthen the bonds of civil control over the security sector.¹¹⁴ Unfortunately, the council failed in facing its first major challenge in 2006, largely because those in authority chose not to convene it.

Failure During the 2006 Crisis

The mechanisms of civilian control over the police and military failed completely during the 2006 crisis. Politicizing and fractionalization heightened the general distrust between the organizations and their supporters. The G-RDTL did not plan or conduct combined police-military exercises, which could have helped to reduce tensions and provide greater awareness of the roles of each institution during national emergencies.

The PNTL had a “significant amount of fracture lines,” largely caused by the factionalizing of the organization by Minister Lobato.¹¹⁵ The Minister’s direct intervention, by directing the actions of junior officers outside of the established chain of command, along with the illegal distribution of police weapons, further undermined the system of command and control. Reliance on senior commanders caused reluctance in the decision making of subordinates, which further inflamed the situation. In April and May, the PNTL suffered a general breakdown of its chain of command, including the commander and deputy commander abandoning their posts. At this time the PNTL ceased to exist as an organized state institution.

¹¹⁴ Ibid., 101.

¹¹⁵ United Nations, *Special Report*, 58.

The G-RDTL callout of the F-FDTL in the aid of the civil power in April 2006 was done in breach of existing Timorese organic law. The prime minister only involved select members of his cabinet in the decision, where it should have been debated by the Superior Council for Defence and Security. Indeed, the president was not even notified of the meeting, even though he was the Commander-in-Chief of the F-FDTL. Failure to issue the order in writing to the F-FDTL, also in breach of the law, made it difficult for the F-FDTL commander to understand and achieve his mission. These procedures existed to ensure that the government was unable to use the military unconstitutionally, but in this case the prime minister was able to do so.

Summary

By allowing FRETILIN to dominate the Constituent Assembly, UNTAET permitted Timor-Leste to gain independence with a constitution which severely curtailed the authority of the president, causing an imbalance of power in the G-RDTL. The wisdom of selecting the day for Timorese independence based on historical significance of the date, rather than on the institutional capabilities of the new nation, was questionable. Once the situation had changed, in particular the delay in approving the constitution and the follow-on effect of not having insufficient time for the new government to enact critical legislation, both UNTAET and the Constituent Assembly should have sought to delay the event. The failure of the UN to devote sufficient resources to the development of the Secretariat of Defence and the Ministry of Interior ensured that both organizations would be institutionally weak and unable to control their subordinate forces constitutionally. Critical understaffing in the Secretariat of Defence meant that existing legislation was poorly understood by both civilians and military officers, and prevented the detailed development of wider defense policy and procedures. These shortfalls allowed the prime minister to use the F-FDTL illegally in aid of the civil power. While the Interior Ministry enjoyed more personnel, lack of experienced staff allowed a dictatorial minister to commit

several illegal, divisive acts over a protracted period with little outcry, threatening the internal stability of the nation.

Conclusion

“The UN is still learning how to build a state, and East Timor has been trying to learn how to be one”¹¹⁶

At Timorese independence in May 2002, neither the F-FDTL nor the PNTL were prepared to assume their responsibilities. This was compounded by a lack of legislation defining the roles of both organizations, and by inadequate civilian control structures in the new Timorese government. The creation of the F-FDTL was a hastily conceived measure, enacted largely to employ a number of disenfranchised FALINTIL guerillas. UNTAETs deferment of responsibility for defense force development to the ODFD and Gusmão loyalists politicized the force and made it a target for the FRETILIN-dominated new government. James Cotton states that in the case of Timor-Leste, “as in Cambodia and Kosovo, insufficient thought [was] given to what foundations would be needed to maintain order and security at the conclusion of international intervention.”¹¹⁷

A broad conclusion is that the UN rushed the transition to Timorese independence, and in doing so neglected to adequately develop Timorese security institutions. While UNTAET has suffered some criticism for rushing the mission, it is prudent to note that the Transitional Administration was under significant pressure from both UN Headquarters in New York City, and from influential Timorese in Dili. The UN Security Council, worried about the commitment of contributing nations and cost of the mission, continually applied pressure to Transitional

¹¹⁶ Kingsbury and Leach, *Beyond Independence*, 1.

¹¹⁷ Cotton, *Regional Order*, 138.

Administrator de Mello to meet the mission's ambitious timeline. Influential Timorese successfully lobbied de Mello to set independence for 20 May 2002, even though Timor-Leste clearly lacked strong institutions to immediately replace the UN. This allowed the more-organized FRETILIN to further dominate the immature G-RDTL. To their credit, de Mello and subsequent UNMISET Special Representatives managed to delay the withdrawal of some critical mission elements, but by acquiescing to transfer most state responsibilities to the understaffed and inexperienced Timorese after only two-and-a-half years, great damage was done.

The underlying factor that promoted this early withdrawal and false confidence in the Timorese government was a fundamental lack of understanding of the Timorese narrative. The UN and other international actors failed to understand the Timorese as a people, particularly how centuries of Portuguese and decades of Indonesian rule affected them. The departure of Indonesia was understood as a catalyst for unification, when in practice it proved to be exactly the opposite. Critical analysis of the events of 1975 may have provided the UN with a better idea of what to expect when Timor-Leste finally regained independence. Similarly, misinterpretation of the intentions of key actors such as FALINTIL and FRETILIN, and in particular the latter's belief that they solely should hold power in an independent Timor-Leste, steered the UN into taking expedient solutions rather than the right ones.

Goldsmith & Dinnen, while primarily discussing building police forces, provide advice that seems to be relevant across any international intervention:

“learn about the foreign setting in considerable detail before active engagement; and...adopt a methodology of practice that is flexible and adaptive to local circumstances, including the ability to defer to local knowledge and methods in developing appropriate measures; and...practice a kind of institutional reform that is not

*limited to the short-term aspects...but rather is grounded in the broader set of political relations, informal as well as formal...*¹¹⁸

Lessons Learned

While Downie notes that the comprehensive and unique nature of UNTAET is unlikely to be repeated,¹¹⁹ there are several lessons to be learned from the Timor-Leste experience that are applicable for future UN or international interventions.

Firstly, no international intervention can expect to be successful without a clear understanding of the narrative of the host nation. There is no short-cut in the conduct of detailed sociological and anthropological analysis; and only through such work can a true understanding of critical actors, their relationships, and analysis of underlying tensions and be made. A byproduct of this must be more effective cultural and socio-historical awareness training of staff.

Secondly, security sector reform cannot be conducted in isolation. Without the supporting political structures and legislation, the years of hard work in host nation military and police force tactical training can on many occasions do more harm than good. Military and police training should be pegged against clear milestones in the development of civil control structures. If the host nation does not meet the agreed targets, aid must stop until this is rectified. Provision of specialist advisers to mentor civil servants must be afforded the same priority as given to military and police training teams. Combined police-military planning and exercises can assist in reducing unhealthy competitiveness between institutions.

Finally, the setting of arbitrary timelines for UN mission milestones is flawed logic. It may take many months of patient work and interaction to gain a full appreciation of the scope of

¹¹⁸ Goldsmith and Dinnen, "Transnational Police Building," 1106.

¹¹⁹ Downie, "UNTAET: State Building and Peace Building," 29.

work required. In the case of Timor-Leste, this was particularly difficult as all state institutions had disappeared with the departure of Indonesia, and developing a mission structure and timeline based on what had worked in Kosovo was an expedient but only partially effective measure.

Aside from these identified failings in security sector development, the fact remains that the UN has been successful in bringing to a close decades of suffering for the Timorese people and has given them a chance at becoming a viable independent nation. Sections of the international community have been diligently working with the G-RDTL to rebuild the nation's security sector, to ensure the 2006 crisis is never again repeated. Publilius Syrus wrote over two thousand years ago: "From the errors of others, a wise man corrects his own." We can only aspire to learn from the inadequacies of the UN in Timor-Leste and ensure that these lessons are incorporated into future interventions.

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